

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(1) Writ Petition No. 8658 of 2007

Sarika Dilip Banchhode ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(2) Writ Petition No. 8669 of 2007

Kishor Shivpal Banchhode ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(3) Writ Petition NO.8674 of 2007

Shakuntala Shivpal Banchhode ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(4) Writ Petition No.8676 of 2007

M/s Jagdishs Oil Mill ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(5) Writ Petition Nio. 8692 of 2007

Jayant Shivpal Banchhode ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(6) Writ Petition No.8693 of 2007

Shivpal Shankar Banchhode ..Petitioner

vs.

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

(7) Writ Petition No.8974 of 2007

Dilip Shivpal Banchhode ..Petitioner

Shri Basaveshwar Cooperative
Credit Society Ltd., Kolhapur ..Respondent

Shri S.S.Patwardhan for petitioner in all
petitions
Shri P.S.Dani for respondent in all petitions.

**CORAM: S.C.DHARMADHIARI J.
14th December, 2007**

P.C.

1. The Cooperative Court is seized of CCS No.860 of 2006 and Cooperative Court No.1 at Kolhapur is also seized of an application for temporary injunction which is preferred by the present petitioners in the same. The ad-interim order that is passed on the said application on 20th November, 2007 restrains the respondents Administrator from proceeding with the application/recovery proceedings under sec.101 of the Maharashtra Cooperative Societies Act, 1960. The Trial Court has directed that the status quo order be maintained. That is an exparte order.

2. The grievance is that the respondent

Administrator challenges this order and the Member, Maharashtra State Cooperative Appellate Court granted exparte stay of the order of the Trial Court on 23rd November, 2007.

3. Reliance is placed upon the letter of the petitioners so also the order of the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Dated 5th July, 2005 in Misc.Application No.34 of 2005.

4. Shri Patwardhan states that a sum of Rs.48,40,000/- and Rs.15,45,065 has already been paid/deposited.

5. After taking instructions from the petitioners, Shri Patwardhan makes a further statement that the petitioners would deposit a sum of Rs.95,00,000/- with the Administrator without prejudice to the rights and contentions of both sides. Such deposits will be made on or before 15th January, 2008. In the event the amount is deposited the order of status quo granted by the Trial Court to continue till hearing of the application for temporary injunction. In that event the order of the Cooperative Appellate Court shall stand quashed

and set aside. Till the application for temporary injunction is heard and for a period of two weeks after the same is decided and decision is communicated, the Administrator shall not go ahead and proceed with the recovery application under sec.101 of the Maharashtra Cooperative Societies Act, 1960. Needless to state that in the event the petitioners fail to deposit the amount by 15th January, 2008, the petition shall stand dismissed so also ad-interim order stands vacated without any further reference to Court.

6. Upon deposit being made the application for temporary injunction may be decided by the Trial Court as expeditiously as possible and preferably within a period of six weeks from the date of first appearance of the parties. All contentions of both sides on merits are expressly kept open,. This order is passed without prejudice to the same. Liberty is also given to the petitioner to request the Administrator to appropriate the amounts which are already lying with respondent no.1 society. Administrator to consider such request in accordance with law. Petitions disposed of.

(S.C.DHARMADHIKARI J.)